
**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WESTERN REPACKING, LLLP, et al.

Plaintiff(s),

CASE NUMBER:

8:23-cv-00749-JVS-DFM

v.

NUTRITION CORP., INC., et al.

Defendant(s).

**NOTICE OF DEFICIENCY
DEFAULT/DEFAULT JUDGMENT**

PLEASE TAKE NOTICE:

The Clerk cannot enter the requested **Default** of ___ for the following reason(s):

- No declaration as required by F.R.Civ.P 55(a)
- No proof of service/waiver of service on file
- The name of the person served does not exactly match the person named in complaint
- Proof of Service is lacking required information
- Waiver of Service lacking the signature of the sender and/or the person acknowledging receipt
- Time to respond has not expired
- Answer and/or Motion for Summary Judgment and/or Motion to Dismiss on file
- Request for Entry of Default has been forwarded to the assigned Judge
- Party dismissed from action on
- Case terminated on
- Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have **default reconsidered**.
- Other:

The Clerk cannot enter the requested **Default Judgment** against Defendants Nutrition Corp.; Nutrition Corp. HoldCo, Inc.; Thomas J. Asseo; and Laureen E. Asseo for the following reason(s):

- No Entry of Default on file
- No declaration as required by F.R.Civ.P 55(b)
- The name of the person for which Default Judgment is requested does not exactly match the person named in the complaint
- Amounts requested differ or exceed the amounts prayed for in the demand for judgment in the most recently filed complaint
- A declaration establishing the amount due must accompany the plaintiff's request for default judgment
- No judgment by default may be entered by the Clerk against the United States or an incompetent person. The Request for Entry of Default has been forwarded to the assigned Judge
- Amount sought is not for a sum certain or cannot be computed to a sum certain
- Attorney Fees sought not in compliance with Local Rule 55-3
- Amount sought for costs is incorrect
- Case terminated on
- X Requesting party shall file a new Request/Application with noted deficiencies corrected **in order to have default judgment reconsidered**.
- X Other: The request should be filed as a Motion noticed before the court for review. Correct event to be used is Civil Events – Motions and Related Filings – Applications/Ex Parte Applications/Motions/Petitions/Requests: Default Judgment.

CLERK, U.S. DISTRICT COURT

Date: September 14, 2023

By: /s/ Evelyn Synagogue

Deputy Clerk

Evelyn_Synagogue@cacd.uscourts.gov